

**JOINT**  
**PUBLIC NOTICE**

**CHARLESTON DISTRICT, CORPS OF ENGINEERS**  
69A Hagood Avenue  
Charleston, South Carolina 29403-5107  
and  
**THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
Office of Ocean and Coastal Resource Management  
1362 McMillan Avenue, Suite 400  
Charleston, South Carolina 29405

REGULATORY DIVISION  
Refer to: P/N SAC-2018-00332

November 5, 2018

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), and the South Carolina Coastal Zone Management Act (48-39-10 et seq.), an application has been submitted to the Department of the Army and the South Carolina Department of Health and Environmental Control by

**Mayor Keith Summey**  
**The City of North Charleston**  
**PO Box 190016**  
**North Charleston, South Carolina 29419**

for a permit to construct a fishing pier and boat dock for public recreational use in

**Noisette Creek**

at a location near Riverfront Park in North Charleston, Charleston County, South Carolina  
(Latitude: 32.871859 °N, Longitude: -79.969431 °W), Charleston Quad.

In order to give all interested parties an opportunity to express their views

**NOTICE**

is hereby given that written statements regarding the proposed work will be received by the **Corps** until

**15 Days from the Date of this Notice,**

and **SCDHEC** will receive written statements regarding the proposed work until

**30 Days from the Date of this Notice**

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of the construction of a fishing pier and boat dock in Noisette Creek for public recreational use. In detail, the proposed fishing pier consists of a 10' x 50' walkway to a 20' x 50' pierhead, and the proposed boat dock consists of a 10' x 40' walkway with a 4' x 30' gangway to a 10' x 60' floating dock. The proposed structures would be supported by 12"

square concrete pilings. The project purpose is to provide public recreational access to Noisette Creek for fishing and boating.

The boardwalk and pedestrian bridge shown in the included plans were determined to be bridges spanning Section 10 of the Rivers and Harbors Act tidal waters from upland locations and therefore regulated by the United States Coast Guard under Section 9 of the Rivers and Harbors Act. Therefore, the Corps has no regulatory authority over the boardwalk and pedestrian bridge. In a letter dated November 7, 2017, the United States Coast Guard made a determination that the proposed bridge project across Noisette Creek would not require a permit. This determination is valid for 3 years from the date of United States Coast Guard's letter, expiring on November 7, 2020.

**NOTE: This public notice and associated plans are available on the Corps' website at:**  
<http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices> .

The work shown on this application must also be certified as consistent with applicable provisions of the Coastal Zone Management Program (15 CFR 930). This activity may also require evaluation for compliance with the S. C. Construction in Navigable Waters Permit Program. State review, permitting and certification is conducted by the S. C. Department of Health and Environmental Control. The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 0.06 acre of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the shrimp, and snapper-grouper management complexes. The District Engineer's initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). The District Engineer's final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the Corps has reviewed the project area, examined all information provided by the applicant, and the District Engineer has made the following determinations on Federally listed endangered or threatened species based on the most recently available information. The project will have no effect on the Northern long-eared bat (*Myotis septentrionalis*), Bachman's warbler (*Vermivora bachmanii*), Kirtland's warbler (*Setophaga kirtlandii*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), red-cockaded woodpecker (*Picoides borealis*), frosted flatwoods salamander (*Ambystoma cingulatum*), American chaffseed (*Schwalbea americana*), Canby's dropwort (*Oxypolis canbyi*), pondberry (*Lindera melissifolia*), Seabeach Amaranth (*Amaranthus pumilus*), Green sea turtle (*Chelonia mydas*), Kemp's Ridley sea turtle (*Lepidochelys kempii*), Leatherback sea turtle (*Dermochelys coriacea*), Loggerhead sea turtle (*Caretta caretta*), Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*), and Shortnose sturgeon (*Acipenser brevirostrum*), and will not result in the destruction or adverse modification of designated or proposed critical habitat. The project is not likely to adversely affect the West Indian manatee (*Trichechus Manatus*) and the Wood stork (*Mycteria americana*), and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife Service and/or the National Marine

Fisheries Service on this determination.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

In accordance with Section 106 of the NHPA, the District Engineer has consulted South Carolina ArchSite (GIS), for the presence or absence of historic properties (as defined in 36 C.F.R. 800.16)(1)(1)), and has initially determined that there are historic properties present, but they will not be affected; therefore, there will be no effect on historic properties. To ensure that other historic properties that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office and other interested parties to provide any information they may have with regard to historic properties. This public notice serves as a request for concurrence within 30 days from the SHPO (and/or Tribal Historic Preservation Officer).

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

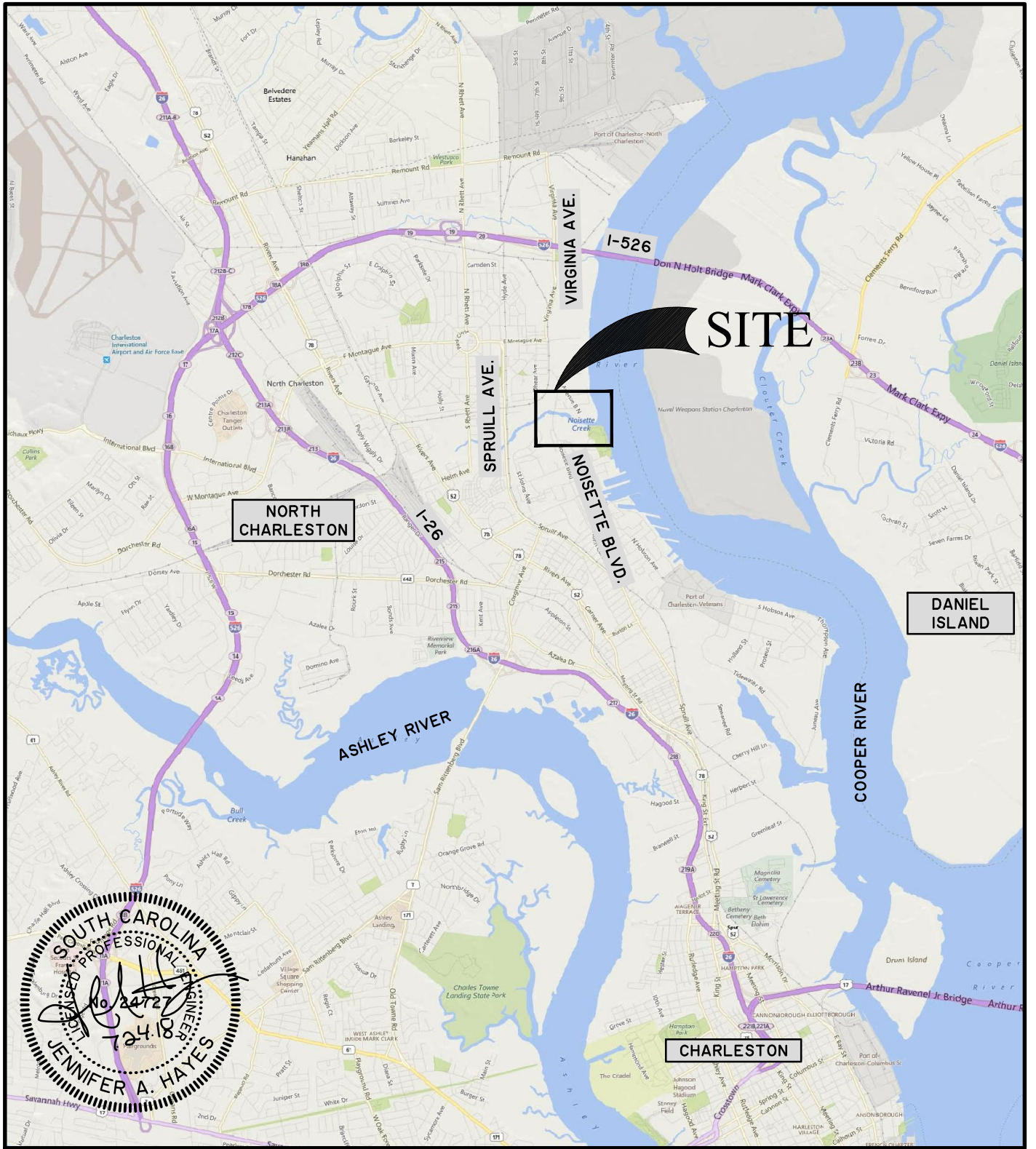
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps cannot undertake to adjudicate rival claims.

The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity. **Please submit comments in writing, identifying the project of interest by public notice number, to the following address:**

**U.S. Army Corps of Engineers  
ATTN: REGULATORY DIVISION  
69A Hagood Avenue  
Charleston, South Carolina 29403-5107**

If there are any questions concerning this public notice, please contact Leslie Estill, Project Manager, at (843) 329-8039 or toll free at 1-866-329-8187.



# BATTERY PARK ON NOISETTE CREEK

SHEET NAME:

VICINITY MAP

APPLICANT:

CITY OF NORTH CHARLESTON

LOCATION: NORTH CHARLESTON, SC

DATE: 7/23/18

JOB NUMBER: J - 26579.0000

SHEET: P1

SCALE: 1" = 6000'

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## BATTERY PARK ON NOISETTE CREEK

SHEET NAME:

LOCATION MAP

APPLICANT:

CITY OF NORTH CHARLESTON

LOCATION: NORTH CHARLESTON, SC

DATE: 7/23/18

JOB NUMBER: J - 26579.0000

SHEET: P2

SCALE: 1" = 3000'



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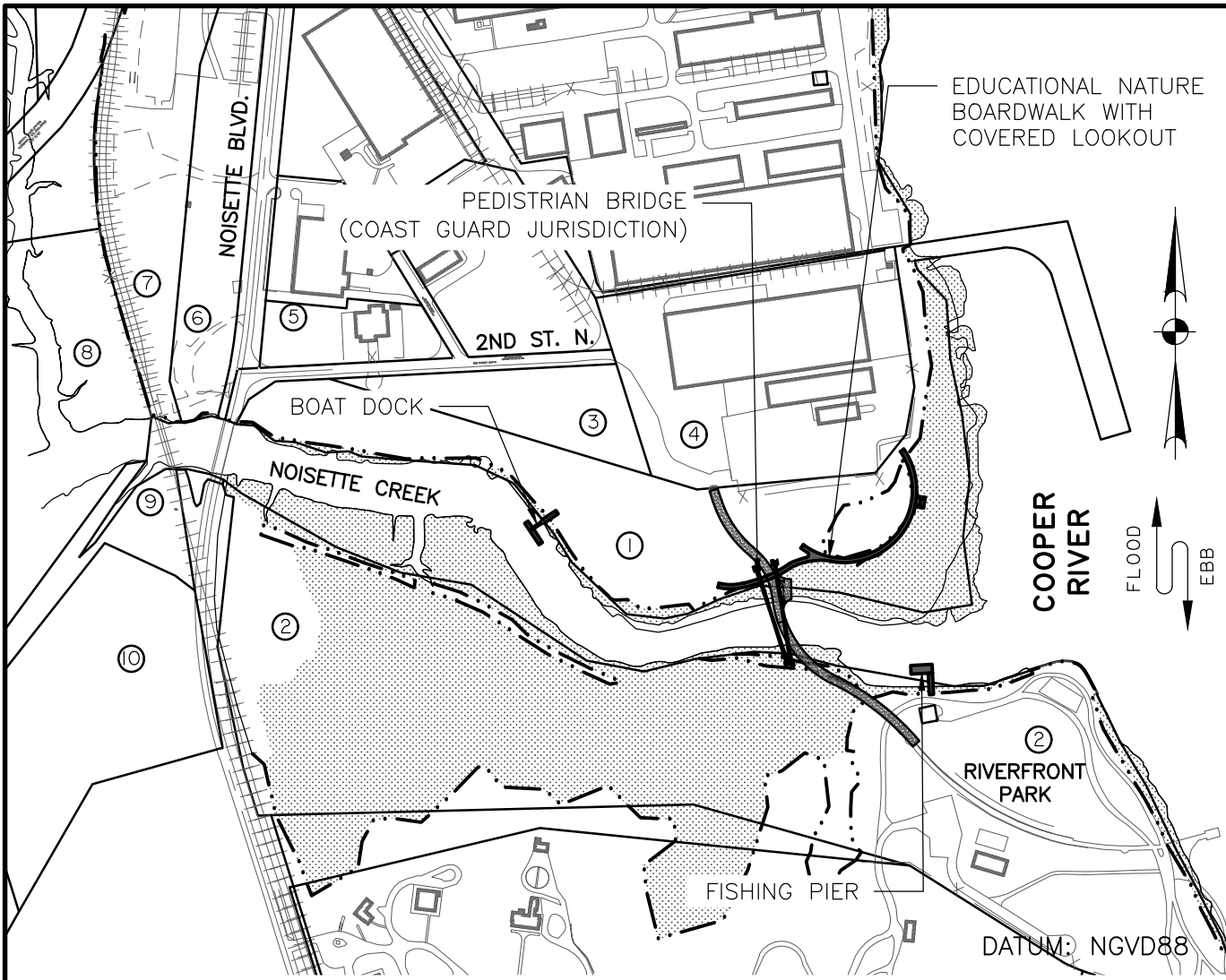
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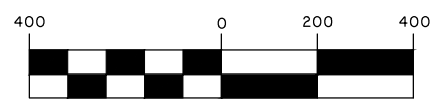
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- ① TMS 400-00-00-058  
CITY OF NORTH CHARLESTON
- ② TMS 400-00-00-059  
CITY OF NORTH CHARLESTON
- ③ TMS 400-00-00-065  
CITY OF NORTH CHARLESTON
- ④ TMS 400-00-00-047  
SC DEPT OF COMMERCE DIV  
OF PUBLIC RAILWAYS
- ⑤ TMS 400-00-00-086  
MERRIT PROPERTIES AT COAST LLC
- ⑥ TMS 400-00-00-217  
SC DEPT OF COMMERCE DIV  
OF PUBLIC RAILWAYS
- ⑦ TMS 400-00-00-216  
SC DEPT OF COMMERCE DIV  
OF PUBLIC RAILWAYS
- ⑧ TMS 502-130-00-02  
CITY OF NORTH CHARLESTON
- ⑨ TMS 400-00-00-108  
SC DEPT OF COMMERCE DIV  
OF PUBLIC RAILWAYS
- ⑩ TMS 400-00-00-073  
SC DEPT OF COMMERCE DIV  
OF PUBLIC RAILWAYS

GRAPHIC SCALE



( IN FEET )  
1 inch = 400 ft.

**BATTERY PARK ON NOISETTE CREEK**  
 SHEET NAME:  
**PROPERTY OWNER MAP**  
 APPLICANT:  
**CITY OF NORTH CHARLESTON**  
 LOCATION: NORTH CHARLESTON, SC  
 DATE: 7/23/18  
 JOB NUMBER: J - 26579.0000

SHEET: P3  
 SCALE: 1" = 400'

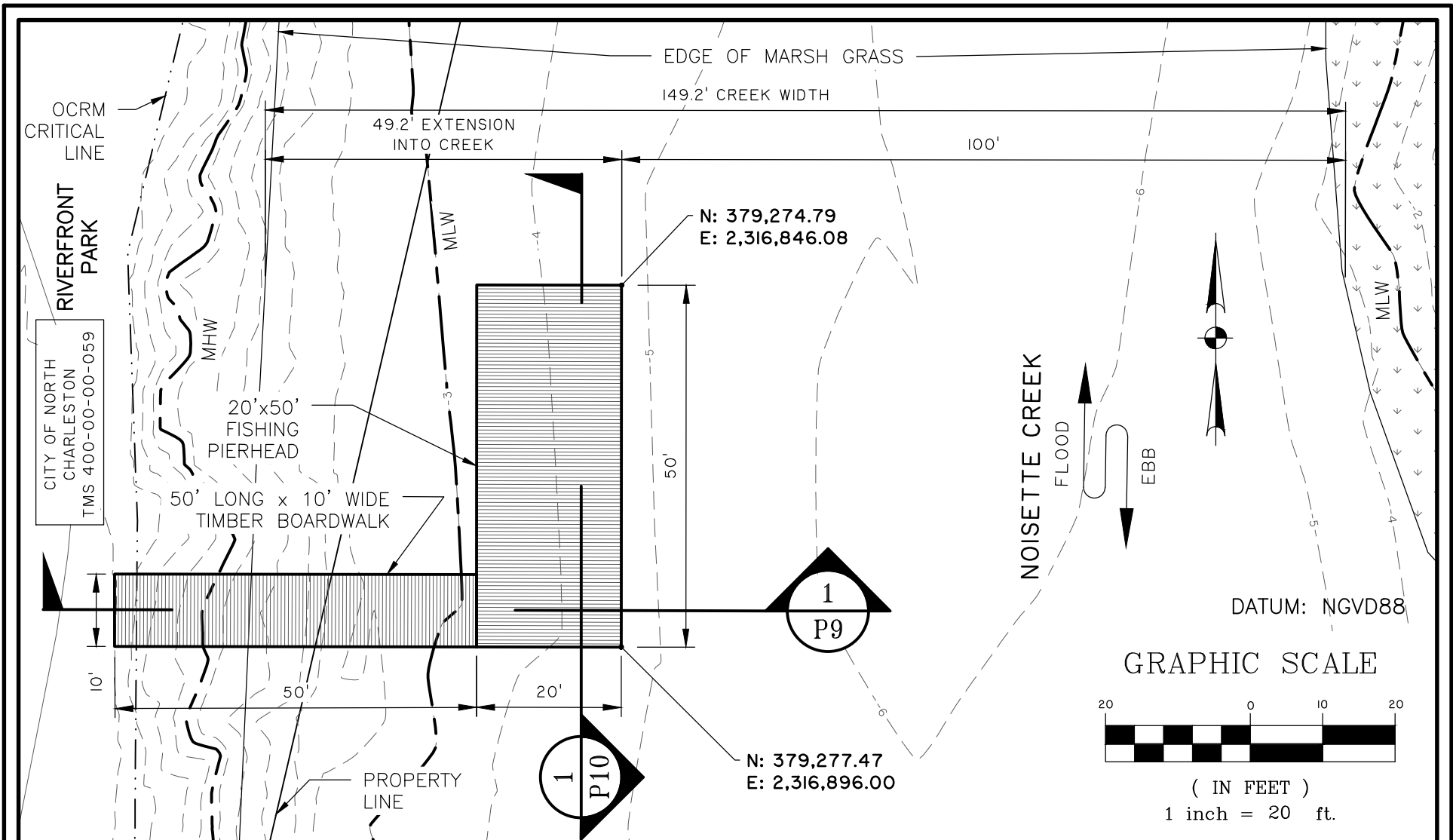
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## BATTERY PARK ON NOISETTE CREEK

SHEET NAME:

PLAN VIEW - FISHING PIER

REVISED 10.27.18

APPLICANT:

CITY OF NORTH CHARLESTON

LOCATION: NORTH CHARLESTON, SC

DATE: 7/23/18

JOB NUMBER: J - 26579.0000

SHEET: P8

SCALE: 1" = 20'



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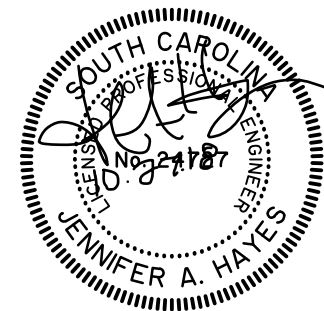
682 Johnnie Dodds Blvd. • Suite 100

PO Box 1522

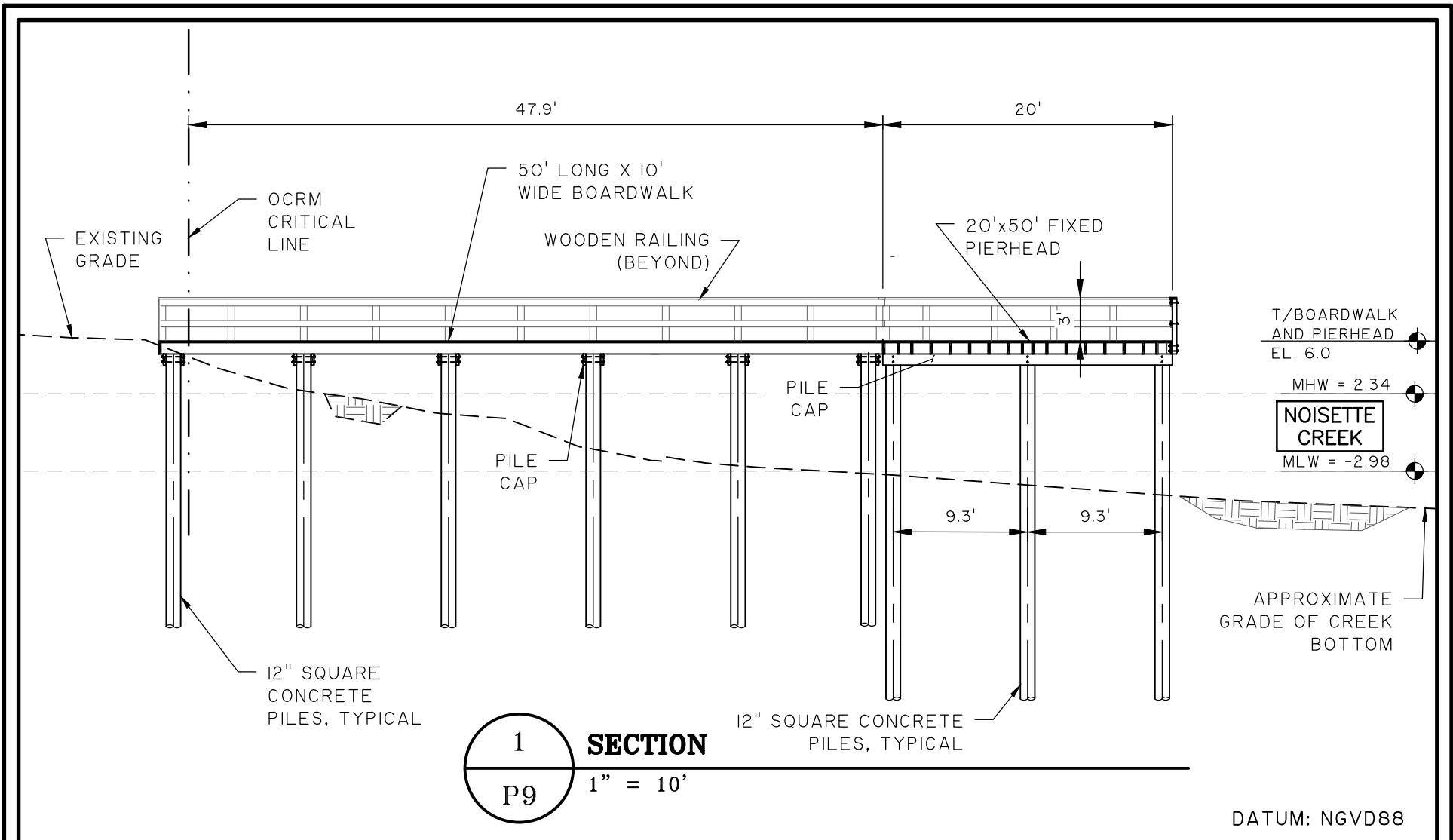
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1
**SECTION**  
P9
 1" = 10'

DATUM: NGVD88

**BATTERY PARK ON NOISETTE CREEK**  
 SHEET NAME:  
**SECTION THRU FISHING PIER AND BOARDWALK**  
 APPLICANT:  
**CITY OF NORTH CHARLESTON**

REVISED 10.27.18

LOCATION: NORTH CHARLESTON, SC  
 DATE: 7/23/18  
 JOB NUMBER: J - 26579.0000

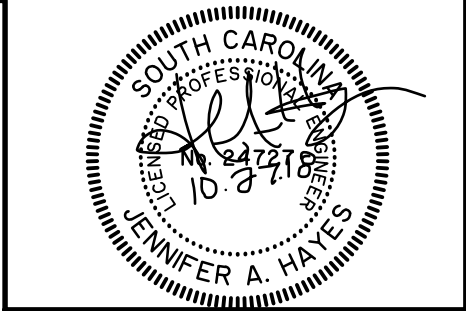
SHEET: P9  
 SCALE: 1" = 10'

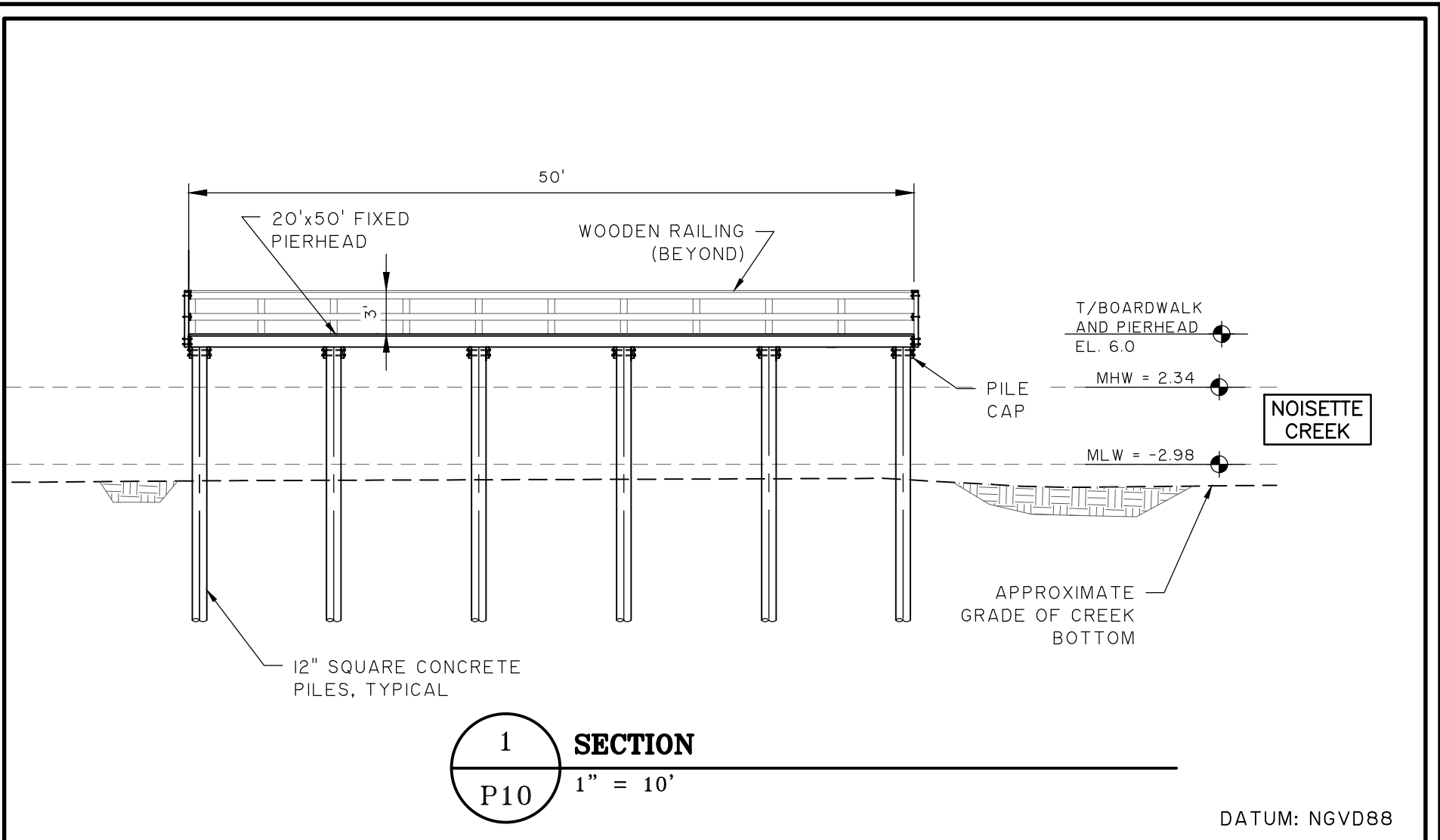
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DATUM: NGVD88

## BATTERY PARK ON NOISETTE CREEK

SHEET NAME:  
SECTION THRU FISHING PIER  
APPLICANT:  
CITY OF NORTH CHARLESTON

REVISED 10.27.18

LOCATION: NORTH CHARLESTON, SC  
DATE: 7/23/18  
JOB NUMBER: J - 26579.0000

SHEET: P10  
SCALE: 1" = 10'

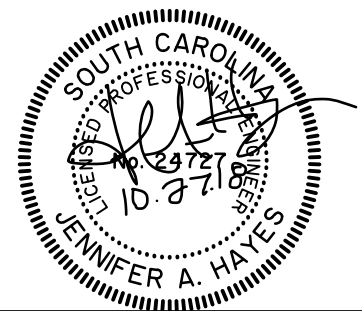


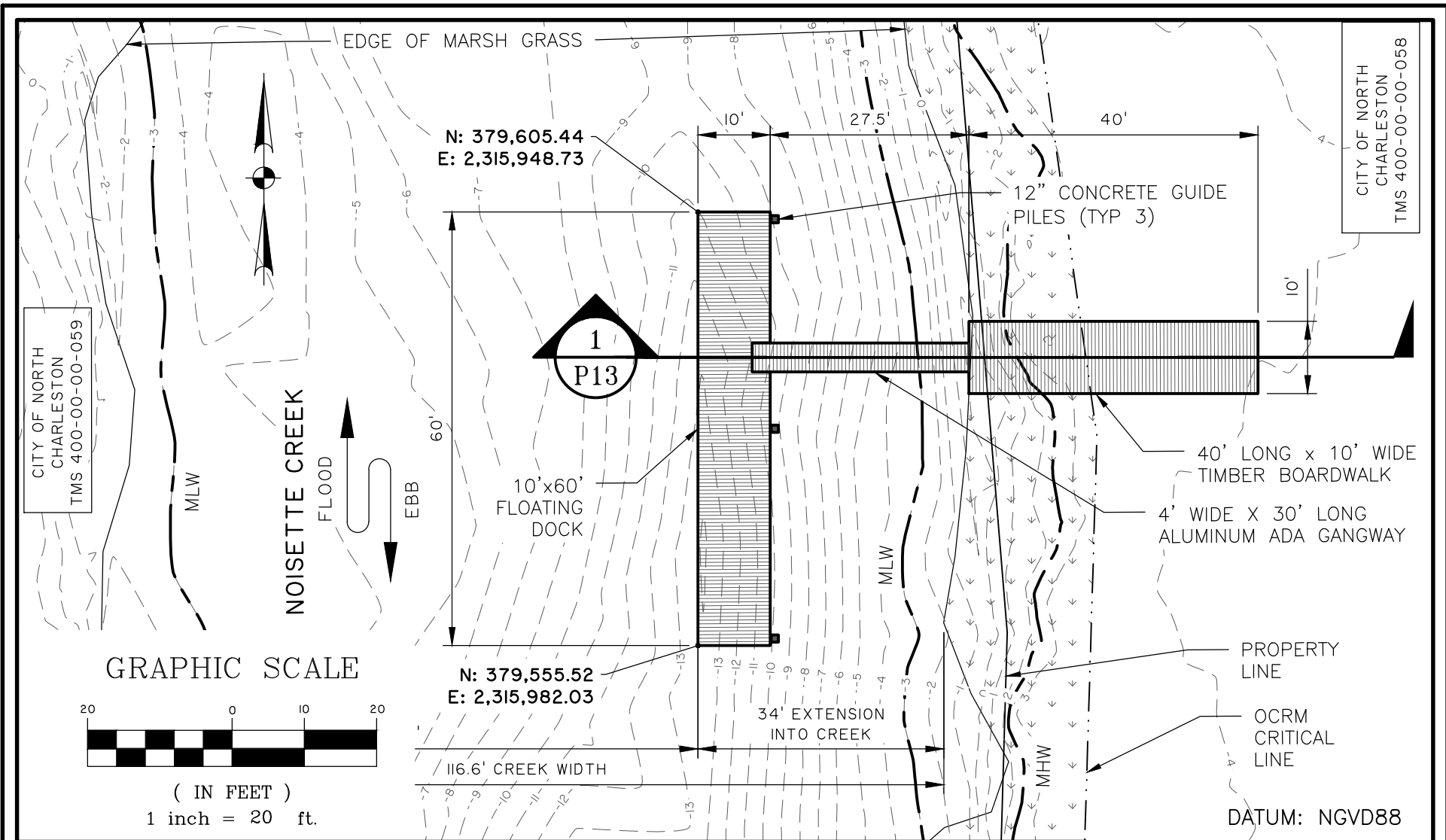
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## BATTERY PARK ON NOISSETTE CREEK

SHEET NAME:  
PLAN VIEW - BOAT DOCK

APPLICANT:  
CITY OF NORTH CHARLESTON

LOCATION: NORTH CHARLESTON, SC  
DATE: 7/23/18  
JOB NUMBER: J - 26579.0000

SHEET: P12  
SCALE: 1" = 20'



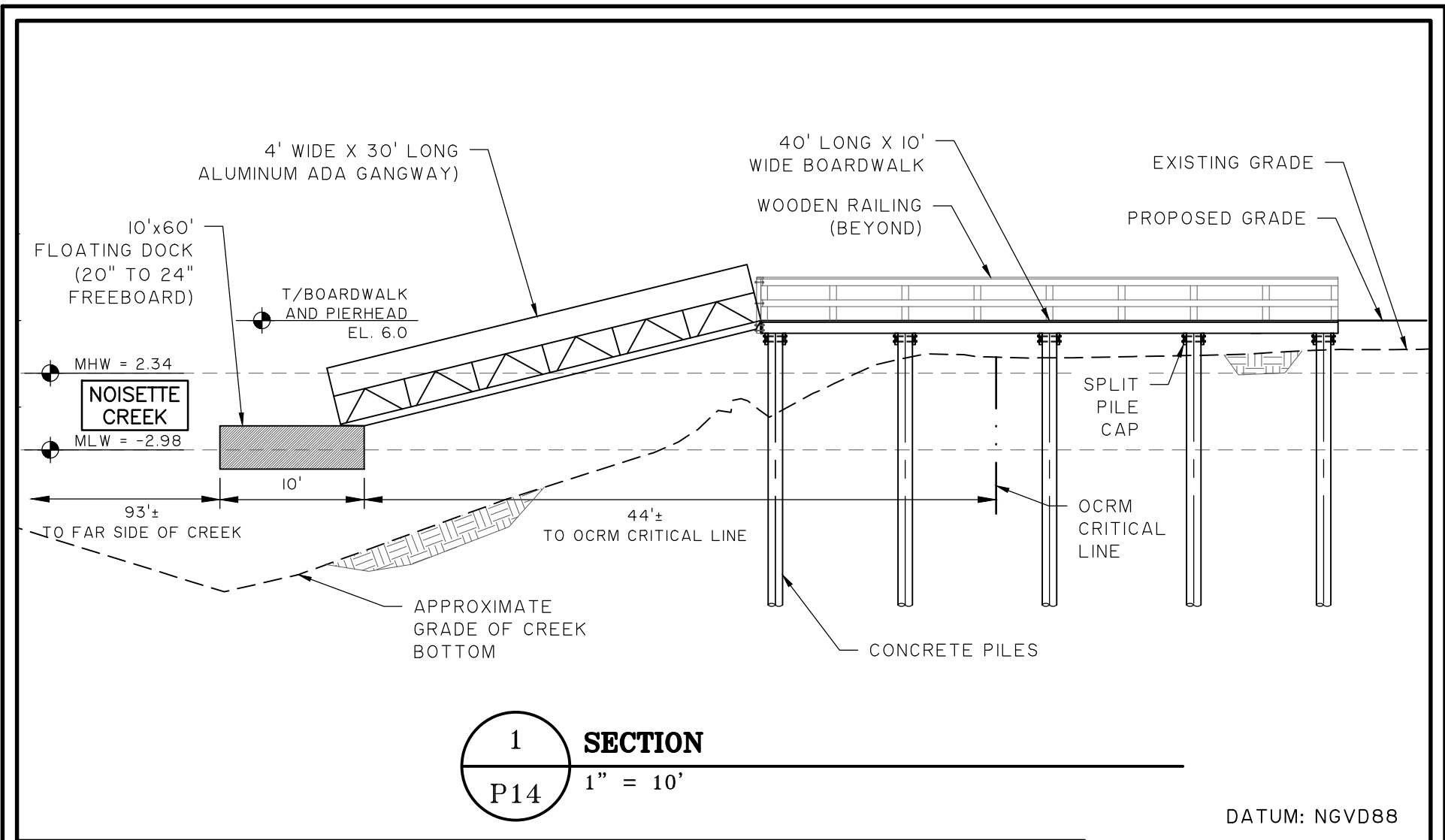
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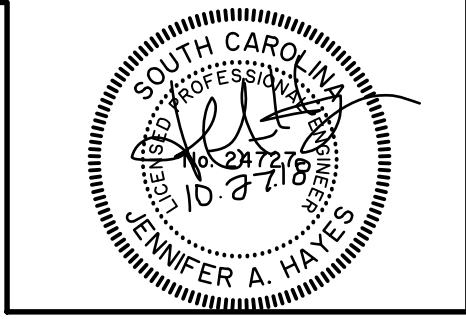


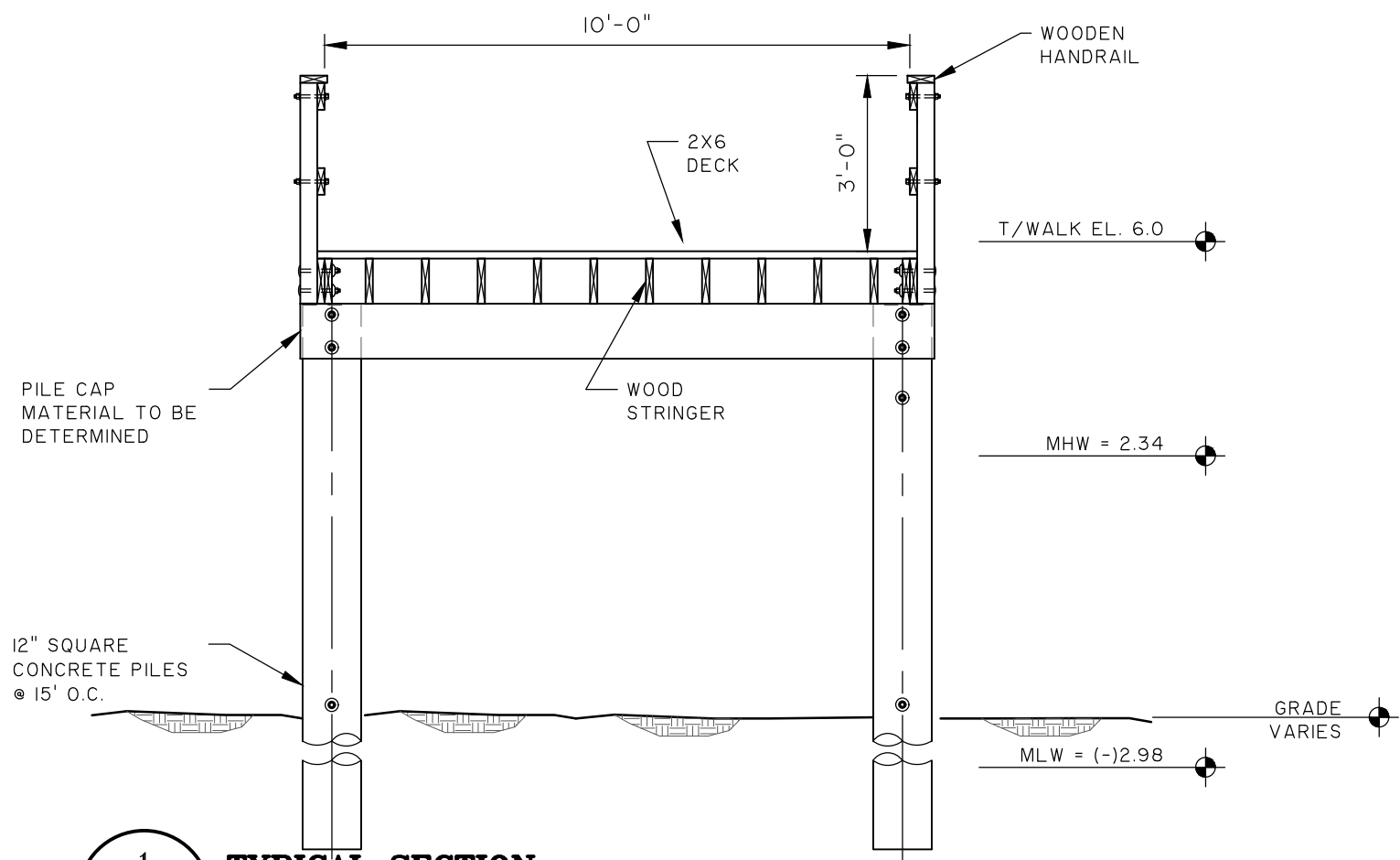
1
**SECTION**  
P14
 1" = 10'

DATUM: NGVD88

**BATTERY PARK ON NOISETTE CREEK**  
 SHEET NAME:  
**SECTION THRU BOAT DOCK AND BOARDWALK**  
 APPLICANT:  
**CITY OF NORTH CHARLESTON**  
 LOCATION: NORTH CHARLESTON, SC  
 DATE: 7/23/18  
 JOB NUMBER: J - 26579.0000  
 SHEET: P13  
 SCALE: 1" = 10'


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1
**TYPICAL SECTION**  
P11
 1" = 3'

DATUM: NGVD88

**BATTERY PARK ON NOISETTE CREEK**  
 SHEET NAME:  
**TYPICAL SECTION THRU 10' WIDE BOARDWALK**  
 APPLICANT:  
**CITY OF NORTH CHARLESTON**

REVISED 10.27.18

LOCATION: NORTH CHARLESTON, SC  
 DATE: 7/23/18  
 JOB NUMBER: J - 26579.0000

SHEET: P11  
 SCALE: 1" = 3'

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